

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00321

LUCAS R. LYNCH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 3, 2020, the United States of America appeared by Nowles Heinrich, Assistant United States Attorney, and the defendant, Lucas R. Lynch, appeared in person and by his counsel, James Woodrow Hill, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Kachine Jonese. The defendant commenced a 35-month term of supervised release in this action on April 5, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 5, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of law in that he unlawfully possessed a controlled substance inasmuch as on December 4, 2019, he tested positive for amphetamine, methamphetamine, and benzodiazepines, as well as admitted use of Tren, and the defendant having admitted to the probation officer that he had used the substances; (2) the defendant committed a violation state of law in that on December 2, 2019, he violated a personal safety order issued by the state court for the protection of Christy Hartwell by attempting to contact Christy Hartwell by telephone at CAMC Cancer Center, her place of employment; (3) the defendant committed 37 separate violations of state law in that on December 17, 2019, it was ordered that the domestic violence protective order issued by a state court and protecting Christy Hartwell was to remain in effect for 90 days until March 16, 2020, and the defendant violated the order by telephoning the victim from the South Central Regional Jail 37 times as set forth in the amendment of February 10, 2020, on the following dates: January 5, 2020 (12 calls), January 6, 2020 (4 calls), January 7, 2020 (8 calls),

January 8, 2020 (8 calls), January 9, 2020 (2 calls), and January 10, 2020 (3 calls); and (4) the defendant committed a further violation of law in that on January 27, 2020, he violated the same domestic violence protective order by letter sent to Christy Hartwell which she received at her address in Saint Albans, West Virginia; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendments thereto.

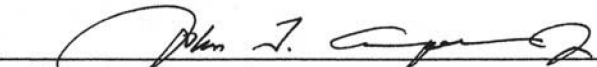
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the

United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of two (2) years of supervised release upon the same terms and standard conditions of supervised release as heretofore and the special condition that he report to Recovery "U" immediately upon his release from imprisonment to participate in and successfully complete the six to twelve month residential treatment program and receive mental health treatment offered by Recovery "U" during that time. In addition, the court imposes a special condition of his supervised release that he is not to make or attempt contact with Christy Hartwell directly or indirectly unless he receives prior permission from the court.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 5, 2020


John T. Copenhaver, Jr.
Senior United States District Judge